

## **March 7, 2011 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, March 7, 2011 at 6:00 P.M.**

**Council President Arthur S. Weber, Jr.**

**Vice President Bruce J. Long**

**Councillor Richard Cambra**

**Councillor Edward J. Silveira, Jr.**

**Councillor Christopher T. Semonelli**

**Councillor Antone C. Viveiros**

**Councillor Barbara A. VonVillas, Members Present**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **PRESENTATION**

### **1. Presentation of Aquidneck Island Planning Commission, re: Island Transportation Study.**

**Tina Dolen, Executive Director, Aquidneck Island Planning Commission and Bill Ashworth, Project Manager, VHB/Vanassee Hangen Brustlin, Inc. addressed the Council presenting the Island Transportation Study. The presentation is on file in the Office of the Town Clerk.**

**The presentation ended at 6:35 pm.**

**On motion of Vice President Long, duly seconded, it was voted**

**unanimously to recess this meeting until 7:00 pm.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 pm.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**Paul Mankofsky, 20 Pequot Lane, addressed the Council concerning Leadership. Mr. Mankofsky requests the Council to encourage less spending within the Town.**

## **CONSENT**

- 2. Approval of Minutes, re: Regular Meeting, February 22, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

- 3. Resolution of the Town of Charlestown, re: Supporting Jamestown and Burrillville in urging the RI General Assembly to enact comprehensive EPR legislation.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolution.**

- 4. Communication of Steven M. Labrie, Business Agent, Teamsters Local Union No. 251, re: Request to begin Contract Negotiations.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.**

**5. Application of Peckham Brothers Co. Inc., Middletown, RI, for RENEWAL of a Drain Layers License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**6. Application of E.J. Excavating, LLC, Portsmouth, RI, for RENEWAL of a Drain Layers License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**7. Application of Mello Construction Co., Inc., Middletown, RI, for RENEWAL of a Drain Layers License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**8. Applications four (4) from the following named persons, firms and corporations for a Special Event Permit. (See Attached List)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said special events permits.**

**9. Application of KILTCO, LLC dba Sears Authorized Retail Dealer, 800 Aquidneck Avenue for a Holiday License for the 2011-2012 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.**

**10. Memorandum of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive memorandum.**

**11. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**



## **LICENSES**

**12. Application of Sami Food Mart, 356 West Main Road, for Victualling House License for the 2010-2011 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.**

**13. Application for Special Event Permit from Pan-Massachusetts Challenge Kids Rides, Middletown Kids PMC Ride, beginning at Second Beach Parking lot (route attached) on Sunday, May 15, 2011 at 8:00 A.M. (See attached letter requesting permit fee to be waived).**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said special event permit and not waive said permit fee.**

## **OTHER COMMUNICATIONS**

**14. Communication of Barbara McCann, Executive Director, National Complete Streets Coalition, re: Requesting a letter from the Town asking Congress to pass Federal complete streets legislation.**

**Discussion centered around if supporting this legislation would create a cost to the Town.**

**On motion of Vice President Long, duly seconded, it was voted to receive said communication and direct the Town Administrator to draft and send a letter of support to Congress to pass Federal complete streets legislation, on behalf of the Council; Councillor VonVillas vote NO to said motion.**

**15. Communication of Cheryl G. Robinson, President, Turning Around Ministries, Inc., re: Request for support by placing an ad in the**

**Souvenir Booklet for making a contribution to TAM.**

**On motion of Vice President Long, duly seconded it was voted unanimously to receive said communication.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to place a ½ page ad in the TAM Souvenir Booklet (\$65.00) to be appropriated from the President's Discretionary Fund.**

**16. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the 2011 Spring Sports Program.**

**On motion of Vice President Long, duly seconded it was voted unanimously to receive said communication.**

**On motion of Vice President Long, duly seconded, to place a ¼ page ad in the Spring Sports Program; motion amended by Councillor Cambra, duly seconded, it was voted unanimously to place a ¼ page ad in the Spring, Fall and Winter Programs (\$195.00 each ad totaling \$585.00) to be appropriated from the Council President's Discretionary Fund.**

**17. Communication of Kevin Buck, MHS Post Prom Committee Chair, re: Request for support for MHS Junior and Senior Post Prom activities.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and approve (\$100.00) for the Senior post prom activities and (\$100.00) for the Junior post prom activities to be appropriated from the Council President Discretionary Fund.**

**COMMUNICATIONS OF TOWN COUNCIL**

**18. Communication of Councillor Viveiros, re: Discuss proposing a camper jamboree fee.**

**Councillor Viveiros reviewed his communication entered here:**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Silveira noted his concern that this discussion should take place during the budget meetings.**

**On motion of Councillor Silveira, duly seconded, it was voted to table and discuss this issue during the budget process; Vice President Long and Councillor Viveiros voted NO to said motion.**

**19. Communication of Councillor Viveiros, re: Discuss ways to reduce**

**spending and putting resources into maintaining and repairing what we have.**

**Councillor Viveiros requests the Council to ask Mr. Brown to submit a zero percent increase budget. Mr. Viveiros suggests the Town put projects on hold and maintain and repair the Town's current facilities and equipment.**

**Councillor VonVillas noted that this discussion should be held when the budget is submitted.**

**Councillor Silveira expressed concern with deferred maintenance.**

**Council President Weber noted the importance of the CIP.**

**Vice President Long complimented the Town Administration on**

**responsible spending.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.**

**20. Communication of Councillor Viveiros, re: Discuss asking Mr. Brown to present his budget recommendations at last year's budgets.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.**

**21. Communication of Councillor Viveiros, re: Discuss the possibility of contacting the Portsmouth Town Council, concerning regionalizing with Middletown's PAYT program.**

**On motion of Councillor Silveira, duly seconded, it was voted**

**unanimously to receive said communication.**

**Council President Weber questioned the benefit to the Town, if the program is regionalized.**

**Councillor Viveiros noted the history of the PAY-Throw program. Mr. Viveiros suggests approaching the Portsmouth Town Council concerning regionalizing the PAYT, explaining that the program fees may be reduced with more participation.**

**Councillor Silveira noted the Town Managers should discuss the matter.**

**Vice President Long noted his agreement with Councillors Viveiros and Silveira.**



**On motion of Councillor Cambra, duly seconded, it was voted unanimously to have the Town Administrator contact the Portsmouth Town Administrator to discuss possible regionalization of the PAY – Throw program.**

## **22. Memorandum of Vice President Long, re: Wind Turbines.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.**

**Vice President Long noted the current wind turbine ordinance. Mr. Long expressed concern that more information is needed to amend the current wind turbine ordinance.**

**Tom Cook, 8 Stimpson Street, addressed the Council in support of the wind turbine moratorium. Mr. Cook noted the need for environmental assessments, rate structure and grid impact information.**

**Donna Olszewski, 36 Education Lane, Portsmouth, addressed the Council noting her support of a wind turbine moratorium. Ms. Olszewski explained that she wishes Portsmouth would have done more studies of the effects and impacts of wind turbines on people/citizens and land values before erecting a turbine.**

**Councillor Semonelli noted his support for a moratorium explaining the need to address scenic vistas and planning board input.**

**Council President Weber noted his support for a wind turbine moratorium.**

**Councillor Silveira noted his support for a wind turbine moratorium.**

**Councillor Cambra noted he will support a wind turbine moratorium**

**but will not support a Town study.**

**Vice President Long explained that the Council is in favor of renewable energy and are responsible to establish standards for all citizens.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to establish a nine-month moratorium on wind turbine applications during the period that studies and deliberations are taken.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**23. Memorandum of Town Administrator, re: FY 2011 Budget Adjustments – School Department OPEB Annual Required Contribution (ARC).**

**Town Administrator Shawn Brown reviewed his memorandum entered here:**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.**

**24. Resolution of the Council, re: FY 2011 Budget Adjustments – School Department OPEB Annual Required Contribution (ARC).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions), (5) lease – (JFK School) and (2) litigation (Tax**

**Appeal Case- Shore Drive).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 8:20 P.M. and reconvene in executive session.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to reconvene in open session at 8:52 P.M.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to settle the tax appeal case.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to adjourn said meeting at 8:55 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**

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